

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawing include changes to Figs. 1-3 and 4 and submission of a formal drawing for Fig. 3A.

Attachment: Replacement Sheets

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Regarding the Examiner's comments regarding the Information Disclosure Statement filed on July 2, 2004, only one PTO-1449 form was submitted--a single sheet. If Applicant has misunderstood the Examiner's concern, the Examiner is requested to contact the undersigned at the telephone noted below.

Examiner objected to the drawings including Figures 1-3 and 4 requiring that suitable legends be added. Replacement sheets with suitable labels have been submitted. Approval of the replacement sheets is respectfully requested.

Claim 7 stands objected to for and improper dependency. Claim 1 now depends, as the Examiner correctly assumed, from claim 1.

All claims 1-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Miloslavsky (U.S. Patent 6,130,933). This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Miloslavsky fails to satisfy this rigorous standard.

Miloslavsky describes a telephony call center that coordinates Internet communication of computer data with call center routing and telephone calls. The problem addressed by Miloslavsky is that of different technologies being used for data communications and telephone communications. As illustrated in Fig. 1, a provider site 102 and a customer site 104 are

engaged in electronic commercial transactions. Provider site 102 sends over the Internet 106 product information, order forms, confirmation notices, etc. to a customer site 104. The Customer site sends over the Internet 106 orders, shipping addresses, payment information, etc. to the provider. The specific problem identified in col. 4, lines 38-40 is: "it is not possible for the system to coordinate voice (via PSTN 160) and data (via Internet 106) communication between the user and the service agent."

The Examiner makes the following claim correspondences with Miloslavsky: the claimed switching system to Miloslavsky's CTI system 142; the claimed PBX system to Miloslavsky's ACD/PBX 202; the claimed input channel to Miloslavsky's high bandwidth port 204 for connecting to a PSTN 160; the claimed output channel to Miloslavsky's CTI link 220; and the claimed PBX system to Miloslavsky's CTI server 222. But claim 1 specifies that the output channel includes both a voice connection as well as a control connection. Miloslavsky's CTI link 220, identified by the Examiner as the claimed output channel, does not include a voice connection. Given this missing element, the anticipation rejection is improper and should be withdrawn.

In addition, Miloslavsky's CTI server 222 is not a PBX system. (The Examiner makes a contradictory reading of the claimed PBX onto *both* Miloslavsky's CTI server 222 and ACD/PBX 202.) Instead, CTI server 222 functions "as a bridge between PBX 202 at one end and stat-server 224, external router 230 and routing server 226 at the other end. CTI server is designed to interface with PBX's manufactured by different vendors." Col. 7, lines 29-33. Clearly, the CTI server 222 is not a PBX system; it is used as a protocol command translator and not as a private branch exchange. If there is a switch in Miloslavsky's CTI system 142, it is the PBX switch 202 and not the CTI server 222.

There is no teaching in Miloslavsky of transferring a call to “a central switching system which is connected to the PBX system via at least one voice connection and at least one control connection,” as recited in independent claim 9. The switching in Miloslavsky occurs in the PBX 202, and not as recited in claim 9, “wherein the switching occurs through the central switching system.” Nor is there any teaching of the claimed voice connection between the PBX 202 and CTI server 222 as explained above with respect to claim 1. In addition, Miloslavsky fails to describe a control connection that allows “direct access to operator-relevant PBX functionality of the PBX system via output channel.”


The Examiner further shifts his position regarding the correspondence between claimed elements in Miloslavsky for the independent claims when addressing dependent claim 2 and 10. The Examiner states that the CTI link 220 corresponds for purposes of claims 2 and 10 to the claimed control connection, whereas in claims 1 and 9, the CTI link 220 was said to correspond to the claimed output channel. This inconsistency highlights the fact that the anticipation rejection is improper and should be withdrawn.

The application is in condition for allowance. An early notice to that effect is earnestly solicited.

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Respectfully submitted,

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